

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 78 be amended to read as follows:

1 Page 2, line 21, after "employee" insert "**, but the acceptance by**
2 **the employee of any payment made under this chapter shall not**
3 **constitute a release as to any balance of his claim".**

4 Page 2, line 29, strike "employee," and insert "**employee. In any**
5 **suit in which such recovery is granted, the court shall award the**
6 **amount specified in subsection (a)".**

7 Page 2, between lines 35 and 36, begin a new paragraph and
8 insert: "**(f) Employees who earn in excess of \$100,000 per year and**
9 **who are considered 'highly compensated' employees exempt under**
10 **the April 23, 2004 regulations from the federal Fair Labor**
11 **Standards Act (29 U.S.C. 201 et seq.) shall be specifically exempt**
12 **from the interest provisions of this section.**

13 **(g) Where the employer demonstrates to the court that its act**
14 **or omission giving rise to an alleged violation of this chapter was in**
15 **good faith and that the employer had reasonable grounds for**
16 **believing that its actions were lawful, the employer may not be**
17 **assessed the interest under this section."**

18 Page 4, line 28, after "employer" insert "**when a scholarship or**
19 **loan agreement is in place and when an employer is recouping the**
20 **costs associated with training".**

(Reference is to SB 78 as printed January 19, 2005.)

Senator YOUNG R MICHAEL